

ESTTA Tracking number: **ESTTA291645**

Filing date: **06/24/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187042
Party	Defendant ZENTIS GmbH & Co. KG
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Submission	Stipulated/Consent Motion to Extend
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Date	06/24/2009
Attachments	4766666_1.pdf (3 pages)(94422 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 77/230,379
For the mark belFRUIT
Published in the Official Gazette of June 24, 2008

UNIFINE F & Bi B.V.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91187042
)	
ZENTIS GmbH & Co. KG,)	
)	
Applicant.)	
)	

**APPLICANT’S MOTION FOR ADDITIONAL 120 DAY SUSPENSION FOR
SETTLEMENT WITH CONSENT**

Applicant ZENTIS GmbH & Co. KG, with the consent of Opposer UNIFINE F & Bi B.V., respectfully submits this motion for an additional 120 day suspension because the parties are actively working toward settlement in the subject case, and in two separate foreign proceedings. Applicant sets out the following additional grounds in support:

On May 13, 2009, the Board granted the Applicant’s consented motion for a 60 day suspension for settlement. The prior motion was based on the fact that the parties were participating in proceedings involving the same marks pending in the German Patent and Trademark Office and the European Union’s Office of Harmonization in the Internal Market (“OHIM”) and were also engaged in discussions to settle their dispute on a worldwide basis.

The related proceedings in before the German Patent Office and the OHIM are still ongoing, and the parties are still actively engaged in settlement discussions. Accordingly, the parties agree that given the multi-jurisdictional nature of the parties’ dispute and the ongoing

settlement discussions between the parties, this proceeding be suspended for an additional 120 days to allow the parties to continue their settlement efforts and that all dates be reset accordingly. Reset dates are as follows:

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	10/27/09
Initial Disclosures Due :	11/28/09
Expert Disclosure Due :	3/26/10
Discovery Closes :	4/25/10
Plaintiff's Pretrial Disclosures :	6/9/09
Plaintiff's 30-day Trial Period Ends :	7/24/10
Defendant's Pretrial Disclosures :	8/8/10
Defendant's 30-day Trial Period Ends :	9/22/10
Plaintiff's Rebuttal Disclosures :	10/7/10
Plaintiff's 15-day Rebuttal Period Ends :	11/6/10

ZENTIS GmbH & Co. KG has secured the express consent of UNIFINE F & Bi B.V., through its counsel, Mr. David Kirschstein, for the suspension and resetting of dates requested herein.

ZENTIS GmbH & Co. KG has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board:

dbk@kirschsteinlaw.com	(Counsel for Opposer)
seklein@stoel.com	(Counsel for Applicant)

DATED: June 24, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing APPLICANT'S MOTION FOR ADDITIONAL 120 DAY SUSPENSION FOR SETTLEMENT WITH CONSENT on the following-named persons on the date indicated below by mailing with postage prepaid to said persons a true copy thereof, contained in a sealed envelope, addressed to said person at their last-known address indicated below, and by email to their last-known email address indicated below:

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DATED: June 24, 2009

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